



Dkt. 0687/74768-AA/JPW/GJG/MJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham and Robert Norman Rice

Serial No. : 10/759,841

Examiner : Whiteman, Brian A.

Filed : January 15, 2004

Art Unit : 1635

For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

30 Rockefeller Plaza
20th Floor
New York, New York 10112
July 22, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCE**

Applicants hereby appeal to the Board from the decision of the Examiner mailed January 22, 2009 finally rejecting pending claims 172, 176-188, 190-197, 199, 200, 202-209 and 211 in connection with the above-identified application. The required fee for filing a Notice of Appeal under 37 C.F.R. § 1.17(b) is FIVE HUNDRED AND FORTY DOLLARS (\$540.00) and a check for this amount is enclosed. Applicants are concurrently filing a Petition for a Three-Month Extension of Time for responding to the January 22, 2009 Final Office Action, i.e. until July 22, 2009, making the subject application pending today..

07/24/2009 HVUONG1 00000033 10759841

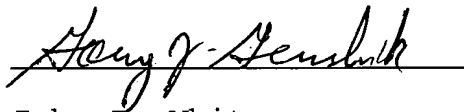
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540.00 OP

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No fee, other than the enclosed fee of \$540.00, is deemed necessary in connection with the filing of this Notice. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

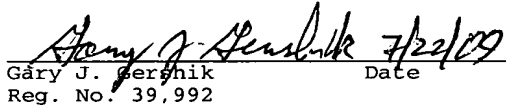
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Gary J. Gershik Date
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